

IC 13-18-12

Chapter 12. Wastewater Management

IC 13-18-12-1

Regulation of wastewater management services providers

Sec. 1. The water pollution control board and the department shall regulate persons who provide wastewater management services.

As added by P.L.1-1996, SEC.8.

IC 13-18-12-2

Transportation; treatment, storage, disposal, or cleaning of sewage disposal systems; permit required

Sec. 2. (a) A person may not transport, treat, store, or dispose of wastewater in violation of this chapter.

(b) A person may not engage in:

- (1) the cleaning of sewage disposal systems; or
- (2) the transportation, treatment, storage, or disposal of wastewater;

without a wastewater management permit unless the person is exempted under section 7 of this chapter.

(c) A person may not operate a vehicle for the transportation of wastewater without a wastewater management vehicle license under this chapter unless the person is exempted under section 4(a)(2) of this chapter.

(d) A person may not dispose of wastewater by land application without first obtaining approval of the land application site under this chapter.

(e) The department may issue new and renewal permits, licenses, and approvals under this chapter for a period the department determines appropriate. However, the period may not exceed three (3) years.

As added by P.L.1-1996, SEC.8. Amended by P.L.31-1999, SEC.1.

IC 13-18-12-3

Permit program

Sec. 3. The board shall initiate, in accordance with IC 13-15, a wastewater management permit program for all persons who offer to perform or are performing wastewater management services.

As added by P.L.1-1996, SEC.8.

IC 13-18-12-4

Rules; site approval

Sec. 4. (a) The board shall, in accordance with IC 13-14-8, adopt rules to establish the following:

- (1) Standards for the following:
 - (A) The issuance of wastewater management permits under section 3 of this chapter.
 - (B) Cleaning of sewage disposal systems.
 - (C) Transportation, storage, and treatment of wastewater, and disposal of wastewater, including land application.

(2) Licensure of all vehicles used in wastewater management services. However, the board may exempt by rule vehicles licensed on September 1, 1983, under the industrial waste haulers rule 320 IAC 5-10 as the rule existed on September 1, 1983.

(3) Procedures and standards for approval of sites for land application of wastewater.

(b) The board may designate a county or city health agency as the board's agent to approve land application sites in accordance with rules adopted under this section.

As added by P.L.1-1996, SEC.8. Amended by P.L.31-1999, SEC.2.

IC 13-18-12-5

Fees

Sec. 5. (a) Subject to subsections (b) and (c), the board may adopt a fee schedule for the issuance of:

- (1) wastewater management permits;
- (2) wastewater management vehicle licenses; and
- (3) land application site approvals;

under this chapter.

(b) A permit fee may not exceed one hundred dollars (\$100) per year.

(c) A vehicle license or land application approval fee may not exceed thirty dollars (\$30) per year per vehicle or site.

(d) Whenever the board designates a county or city health agency as the board's agent to approve land application sites under this chapter, the county or city health agency shall collect and retain the land application approval fee.

As added by P.L.1-1996, SEC.8.

IC 13-18-12-6

Enforcement; violations; inspections

Sec. 6. (a) This chapter shall be enforced under IC 13-30-3.

(b) Violations of this chapter are subject to the penalties imposed by the following:

- (1) IC 13-30-4.
- (2) IC 13-30-5.
- (3) IC 13-30-6.
- (4) IC 13-30-8.

(c) The commissioner may make inspections under this chapter in accordance with IC 13-14-2-2 and IC 13-14-5.

As added by P.L.1-1996, SEC.8.

IC 13-18-12-6.5

Revocation or modification of permit, license, or approval

Sec. 6.5. In addition to any other authority in this title, the commissioner or a designated staff member may, under IC 4-21.5, revoke or modify a permit, license, or approval issued under this chapter for any of the following reasons:

- (1) Violation of a requirement of this chapter, rules adopted

under this chapter, a permit, a license, or an approval.

(2) Failure to disclose all relevant facts.

(3) A misrepresentation made in obtaining the permit, license, or approval.

(4) Failing to meet the qualifications for a permit, a license, or an approval or failing to comply with the requirements of the water pollution control laws or rules adopted by the board.

(5) Changes in circumstances relating to the permit, license, or approval that require either a temporary or permanent reduction in the discharge of contaminants.

As added by P.L.31-1999, SEC.3.

IC 13-18-12-7

Exemptions

Sec. 7. This chapter does not require a person to obtain a permit or vehicle license under this chapter if the person is:

(1) engaged in:

(A) servicing or maintaining publicly owned wastewater treatment facilities; or

(B) transportation of wastewater from a publicly owned wastewater treatment facility;

as long as the wastewater at that facility has been fully treated and is stabilized;

(2) transporting wastewater from the point of its removal to another location on the same site or tract owned by the same person, although disposal of the wastewater must be done in accordance with this chapter; or

(3) a homeowner who cleans and services the sewage disposal system serving only the homeowner's residence, although transportation and disposal of wastewater must be done in compliance with this chapter.

As added by P.L.1-1996, SEC.8.

IC 13-18-12-8

Notification of upset or imminent threat of upset

Sec. 8. (a) If a publicly owned treatment works permittee:

(1) determines that an upset has occurred in the publicly owned treatment works that is likely to pose a threat to human or animal life; or

(2) has knowledge of an imminent threat from a chemical or other release to the collection system that is likely to cause an upset in the publicly owned treatment works that is likely to pose a threat to human or animal life;

the permittee shall notify emergency response personnel of the department not more than two (2) hours after the determination under subdivision (1) or the acquisition of knowledge of an imminent threat under subdivision (2).

(b) If the department receives notification from a publicly owned treatment works permittee under subsection (a), the department:

(1) must notify all appropriate state and local government

agencies;

(2) may provide technical assistance to the publicly owned treatment works as the department determines is necessary; and
(3) must, if the department determines that there is or may be a threat to human health or animal life, notify the affected news media;

not more than forty-eight (48) hours after receiving the notification under subsection (a).

As added by P.L.112-2000, SEC.3.

IC 13-18-12-9

Prohibition against discharge of sewage into waters; exception under permit process

Sec. 9. (a) This section applies only in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(b) Except as provided in subsection (c), the point source discharge of sewage, treated or untreated, from a dwelling or its associated residential sewage disposal system to waters is prohibited.

(c) The point source discharge of treated sewage from an onsite residential sewage discharging disposal system to waters is permitted if:

- (1) the local health department for the jurisdiction in which the system is located issues an operating permit for the system under subsection (d); and
- (2) the discharge is authorized under a general permit issued under 40 CFR 122.28.

(d) In a county onsite waste management district established under IC 36-11 that performs all the functions related to onsite waste management listed in IC 36-11-2-1, the local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair a sewage disposal system that fails to meet public health and environmental standards and if:

- (1) the local health department adopts procedural rules for monitoring onsite residential sewage discharging disposal systems in the jurisdiction, including fines or penalties, or both, for noncompliance, to ensure that:
 - (A) required maintenance is performed on the systems; and
 - (B) the systems do not discharge effluent that violates water quality standards;
- (2) the local health department certifies, with respect to the system for which the permit is issued, that:
 - (A) the system is capable of operating properly;
 - (B) the system does not discharge effluent that violates water quality standards;
 - (C) an acceptable septic tank soil absorption system cannot be located on the property served by the system because of:
 - (i) soil characteristics;
 - (ii) size; or

- (iii) topographical conditions;
of the property;
- (D) the system:
 - (i) was properly installed by a qualified installer; and
 - (ii) provides the best available technology for residential discharging onsite sewage disposal systems; and
- (E) the local health department has:
 - (i) investigated all technologies available for repair of the sewage disposal system that fails to meet public health and environmental standards other than the use of an onsite residential sewage discharging disposal system; and
 - (ii) determined that an onsite residential sewage discharging disposal system is the only possible technology that can be used to effect a repair of the sewage disposal system that fails to meet public health and environmental standards without causing unreasonable economic hardship to the system owner; and
- (3) the system for which the permit is issued cannot be connected to a sanitary sewer because:
 - (A) there is not a sanitary sewer connection available;
 - (B) the sanitary sewer operator refuses connection; or
 - (C) unreasonable economic hardship would result to the system owner because of:
 - (i) the connection requirements of the sanitary sewer operator; or
 - (ii) the distance to the sanitary sewer.

As added by P.L.172-2002, SEC.4.